

REMARKS/ARGUMENTS:

Entry of the above amendments, and reconsideration of the claim rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested. Claims 1-34 remain in the application. In this Response, claims 1, 10, 13, 14, 22, and 25-34 have been amended. Claims 2-9, 11, 12, 15-21, 23, and 24 remain in their original form.

The amendments submitted above to certain paragraphs in the specification have been done so to correct informalities, such as correcting grammar, word usage, or spelling errors.

Specifically, the amendment made to the paragraph on page 15 was done to correct word usage (“filed” should be “field”).

The amendment made to the paragraph on page 18 was done to correct grammar (“that cause” should be “that is the cause”).

The amendment made to the paragraph bridging pages 20 and 21 was done to correct word usage (“indicating failure” should be “indicating success or failure”).

The amendment made to the paragraph on page 24 was done to correct grammar (“option” should be “optional”).

No new matter has been added through any of these amendments.

The amendments submitted above to certain claims have been done so either in response to the Examiner’s rejections or objections.

No new matter has been introduced through any of these claim amendments.

A. Interview Summary

Applicant would like to thank Examiner Desir for the telephone interview that was held on January 28, 2008. A summary of the meeting is as follows:

Proposed amendments to independent claims 1, 10, 14, 22, and 26, which were sent to Examiner Desir via facsimile prior to the telephone interview, were discussed. Examiner Desir

acknowledged that his review of the amended claims led him to believe that the amended claims would now overcome the 35 U.S.C. §102(e) rejection based upon Chen et al., U.S. Patent No. 7,020,685. We also discussed the 35 U.S.C. §101 rejection of claim 26. Applicant agreed to amend the claim to make the claim directed to statutory subject matter.

**B. Rejection of Claims
Under 35 U.S.C. § 101**

Items 1 and 2 In The Office Action

The Examiner has rejected claim 26 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

In response, Applicant has amended independent claim 26 and dependent claims 27-34 to direct the claims to statutory subject matter, namely, a method performed by a processor based upon a program of instructions contained in a computer-readable storage medium that are executed by the processor. Support for these amendments may be found in the specification on page 3, lines 23-26 and in reference to FIG. 2.

Applicant believes that independent claim 26, as amended, is now statutory under 35 U.S.C. § 101 as being directed to a process or method and, accordingly, Applicant requests retraction of the Examiner's rejection of this claim.

Claims 27-34 depend directly or indirectly from independent claim 26 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claim 26, Applicant likewise believes that dependent claims 27-34 are also directed to statutory subject matter under 35 U.S.C. § 101.

**C. Rejection of Claims
Under 35 U.S.C. § 102(e)**

Items 3 and 4 In The Office Action

The Examiner has rejected claims 1, 7, 14, 19, 26, and 32 under 35 U.S.C. §102(e) as being anticipated by Chen et al., U.S. Patent No. 7,020,685.

In response, Applicant has amended independent claims 1, 14, and 26 to more distinctly distinguish Applicant's invention through the further limitations of:

(Claim 1)

“receiving a response readable by the originating system that indicates a status of delivery of the one or more short messages, wherein said response has one or more result elements, and further wherein each said result element has one or more child elements representing details of said result element.”

(Claim 14)

“receive a response readable by the originating system that indicates a status of delivery of the one or more short messages, wherein said response has one or more result elements, and further wherein each said result element has one or more child elements representing details of said result element”

(Claim 26)

“receiving a response readable by the originating system that indicates a status of delivery of the one or more short messages, wherein said response has one or more result elements, and further wherein each said result element has one or more child elements representing details of said result element”

Support for these amendments may be found in the specification on page 16, line 14 through page 21, line 6 in reference to FIGS. 5 and 6, and page 23, line 1 through page 24, line 2 in reference to FIG. 8.

Chen et al. is directed to providing hypermedia content maintained remotely on a network to a wireless device without a browser. However, Chen et al. does not disclose or teach the added elements of a response readable by the originating system that indicates a status of delivery, where the response has one or more result elements, and further where the one or more result elements may have one or more child elements that represent details of the result element. Since the Chen et al. reference does not disclose expressly or inherently all of the elements and limitations of Applicant's amended independent claims 1, 14, and 26, Applicant believes that

these claims are not anticipated by Chen et al. and requests withdrawal of the Examiner's rejection under 35 U.S.C. §102(e).

Claims 7, 19, and 32 depend directly or indirectly from independent claims 1, 14, and 26 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 1, 14, and 26, Applicant likewise believes that dependent claims 7, 19, and 32 also overcome the Examiner's rejection based on Chen et al. under 35 U.S.C. §102(e), and withdrawal of that rejection in respect to these claims is respectfully requested.

**D. Rejection of Claims
Under 35 U.S.C. § 103(a)**

Items 5 and 6 In The Office Action

The Examiner has rejected claims 2-4, 6, 10, 11, 15, 16, 18, 22, 23, 27-29, and 31 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. in view of Miralles et al., Patent Publication No. U.S. 2004/0110516.

In response, with respect to independent claims 10 and 22, Applicant has amended independent claims 10 and 22 to more distinctly distinguish Applicant's invention through the further limitations of:

(Claim 10)

“generating a response readable by the web service client and indicating a status of delivery of the one or more short messages, wherein said response has one or more result elements, and further wherein each said result element has one or more child elements representing details of said result element; and sending the response to the web service client”

(Claim 22)

“generate a response readable by the web service client that indicates a status of delivery of the one or more short messages, wherein said response has one or more result elements, and further wherein each said result element has one

or more child elements representing details of said result element; and send the response to the web service client”

Support for these amendments may be found in the specification on page 16, line 14 through page 21, line 6 in reference to FIGS. 5 and 6, and page 23, line 1 through page 24, line 2 in reference to FIG. 8.

Chen et al. is directed to providing hypermedia content maintained remotely on a network to a wireless device without a browser. Miralles et al. is directed to transmitting short messages between a remote server and a mobile telephone user that is in communication with a short message service center via a GSM network. However, neither Chen et al. nor Miralles et al. disclose or teach the added elements of a response readable by the originating system that indicates a status of delivery, where the response has one or more result elements, and further where the one or more result elements may have one or more child elements that represent details of the result element. Since the Chen et al. and Miralles et al. references do not disclose expressly or inherently all of the elements and limitations of Applicant’s amended independent claims 10 and 22, combining Miralles et al. with the teaching of Chen et al. would not arrive at Applicant’s claimed invention. Thus, Applicant believes that independent claims 10 and 22 are patentable over Chen et al. in view of Miralles et al. Accordingly, Applicant requests retraction of the Examiner’s rejection of independent claims 10 and 22 under 35 U.S.C. §103(a).

Claims 11 and 23 depend directly or indirectly from independent claims 10 and 22 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 10 and 22, Applicant likewise believes that dependent claims 11 and 23 also overcome the Examiner’s rejection based on Chen et al. in view of Miralles et al. under 35 U.S.C. §103(a), and withdrawal of that rejection in respect to these claims is respectfully requested.

With respect to claims 2-4, 6, 15, 16, 18, 27-29, and 31 Applicant respectfully traverses. The Examiner in the Office Action has not established a *prima facie* case of obviousness because the references cited by the Office Action, in light of the amendments made to the independent claims, do not teach or suggest all the limitations of claim 2-4, 6, 15, 16, 18, 27-29, and 31. Claims 2-4, 6, 15, 16, 18, 27-29, and 31, through dependency, embody all the elements and

limitations of amended independent claims 1, 14, and 26. Applicant has amended independent claims 1, 14, and 26 as described above in Section C to remove Chen et al. as anticipatory prior art under 35 U.S.C. §102(e). As argued above, Applicant believes that Chen et al. does not teach or suggest all the elements and limitations of Applicant's independent claims 1, 14, and 26. Even if Miralles et al. teaches specific claim elements in the dependent claims as proffered by the Examiner for dependent claims 2-4, 6, 15, 16, 18, 27-29, and 31, Chen et al. does not teach all of the limitations of independent claims 1, 14, and 26. Since Chen 102 et al. does not teach all of the limitations of independent claims 1, 14, and 26, combining Miralles et al. with the teaching of Chen et al. cannot arrive at Applicant's claimed invention as embodied in dependent claims 2-4, 6, 15, 16, 18, 27-29, and 31, which contain all of the limitations of independent claims 1, 14, and 26 respectively. Therefore, combining Miralles et al. with the teaching of Chen et al. would not arrive at Applicant's claimed invention. Thus, Applicant believes that dependent claims 2-4, 6, 15, 16, 18, 27-29, and 31 are patentable over Chen et al. in view of Miralles et al. Accordingly, Applicant requests retraction of the Examiner's rejection of claims 2-4, 6, 15, 16, 18, 27-29, and 31 under 35 U.S.C. §103(a).

Item 7 In The Office Action

The Examiner has rejected claims 5, 8-9, 17, 20, 30, 33, and 34 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. in view of Wood et al., Patent Publication No. U.S. 2004/0259531. Though not called out by the Examiner, Applicant is assuming that claim 21 should be included with this group of claims as it is not allowed, and does not appear in any other claim rejection, and is similar in scope to claim 34 which stands rejected herein. Please inform Applicant if this is not the case.

Applicant respectfully traverses. The claims should be allowed over the prior art because one or more of the requirements of a *prima facie* case of obviousness is absent. Indeed, such a *prima facie* case can only be met when **all** of the following requirements are met: (1) there must be some suggestion or motivation in the references themselves (or in the knowledge available to those skilled in the art) to combine the references; (2) there must be a reasonable expectation of success; and (3) the combined references *must teach or suggest all the claim limitations*. See MPEP §§ 706.02(j) and 2143. The Examiner in the Office Action has not established a *prima facie* case of obviousness because the references cited by the Office Action, in light of the

amendments made to the independent claims, do not teach or suggest all the limitations of claims 5, 8-9, 17, 20, 21, 30, 33, and 34. Claims 5, 8-9, 17, 20, 21, 30, 33, and 34, through dependency, embody all the elements and limitations of amended independent claims 1, 14, and 26. Applicant has amended independent claims 1, 14, and 26 as described above in Section C to remove Chen et al. as anticipatory prior art under 35 U.S.C. §102(e). As argued above, Applicant believes that Chen et al. does not teach or suggest all the elements and limitations of Applicant's independent claims 1, 14, and 26. Wood et al. is directed to routing a message to an application via a mobile telecommunication network in which mobile devices are assigned globally unique identifiers. Even if Wood et al. teaches specific claim elements in the dependent claims as proffered by the Examiner for dependent claims 5, 8-9, 17, 20, 21, 30, 33, and 34, Chen et al. does not teach all of the limitations of independent claims 1, 14, and 26. Since Chen 102 et al. does not teach all of the limitations of independent claims 1, 14, and 26, combining Wood et al. with the teaching of Chen et al. cannot arrive at Applicant's claimed invention as embodied in dependent claims 5, 8-9, 17, 20, 21, 30, 33, and 34, which contain all of the limitations of independent claims 1, 14, and 26 respectively. Therefore, combining Wood et al. with the teaching of Chen et al. would not arrive at Applicant's claimed invention. Thus, Applicant believes that dependent claims 5, 8-9, 17, 20, 21, 30, 33, and 34 are patentable over Chen et al. in view of Wood et al. Accordingly, Applicant requests retraction of the Examiner's rejection of claims 5, 8-9, 17, 20, 21, 30, 33, and 34 under 35 U.S.C. §103(a).

Item 8 In The Office Action

The Examiner has rejected claims 12-13, 24, and 25 under 35 U.S.C. §103(a) as being unpatentable over Chen et al. and Miralles et al. in view of Wood et al.

Applicant respectfully traverses. The claims should be allowed over the prior art because one or more of the requirements of a *prima facie* case of obviousness is absent. Indeed, such a *prima facie* case can only be met when **all** of the following requirements are met: (1) there must be some suggestion or motivation in the references themselves (or in the knowledge available to those skilled in the art) to combine the references; (2) there must be a reasonable expectation of success; and (3) the combined references *must teach or suggest all the claim limitations*. See MPEP §§ 706.02(j) and 2143. The Examiner in the Office Action has not established a *prima facie* case of obviousness because the references cited by the Office Action, in light of the

amendments made to the independent claims, do not teach or suggest all the limitations of claims 12-13, 24, and 25. Claims 12-13, 24, and 25, through dependency, embody all the elements and limitations of amended independent claims 10 and 22. Applicant has amended independent claims 10 and 22 as described above in this Section D to remove the combination Chen et al. and Miralles et al., as obvious under 35 U.S.C. §103(a). As argued above, Applicant believes that Chen et al. and Miralles et al., do not teach or suggest all the elements and limitations of Applicant's amended independent claims 10 and 22. Even if Wood et al. teaches specific claim elements in the dependent claims as proffered by the Examiner for dependent claims 12-13, 24, and 25, Chen et al. combined with Miralles et al. does not teach all of the limitations of independent claims 10 and 22. Since Chen 102 et al. and Miralles et al., do not teach all of the limitations of independent claims 10 and 22, combining Wood et al. with the teaching of Chen et al. and Miralles et al., cannot arrive at Applicant's claimed invention as embodied in dependent claims 12-13, 24, and 25, which contain all of the limitations of independent claims 10 and 22 respectively. Therefore, combining Wood et al. with the teaching of Chen et al. and Miralles et al., would not arrive at Applicant's claimed invention. Thus, Applicant believes that dependent claims 12-13, 24, and 25 are patentable over Chen et al. and Miralles et al., and further in view of Wood et al. Accordingly, Applicant requests retraction of the Examiner's rejection of claims 12-13, 24, and 25 under 35 U.S.C. §103(a).

CONCLUSION:

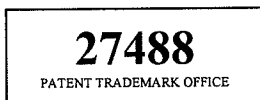
This Amendment fully responds to the Office Action mailed on October 17, 2007. Still, that Office Action may contain arguments and rejections that are not directly addressed by this Amendment due to the fact that they are rendered moot in light of the preceding arguments in favor of patentability. Hence, failure of this Amendment to directly address an argument raised in the Office Action should not be taken as an indication that the Applicant believes the argument has merit. Furthermore, the claims of the present application may include other elements, not discussed in this Amendment, which are not shown, taught, or otherwise suggested by the art of record. Accordingly, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.


Thus, a bona-fide attempt has been made to ensure that the application meets all statutory requirements and is in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited. If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Applicant has authorized a charge against deposit account 13-2725 for the extension fee due with this response, or any future reply. Please charge all required fees, or fees under 37 C.F.R. 1.17, if any are due with this response, or credit any overpayment to, deposit account 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(303) 357-1632



By: 
Stanley J. Gradisar, Esq., Reg. No. 42,598
Attorney for Applicant

Date: February 15, 2008